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VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			HSU, AMY R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/725,230	OURA ET AL.
	Examiner	Art Unit
	Amy Hsu	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 August 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 24 June 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/11/13

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application
6) Other: _____

Claim Objections

1. Claim 3 is objected to because of the following informalities: Claim 3 reads:

The photographing system according to Claim 1, wherein
the external apparatus operator is capable of *setting further*
configured to set a plurality of photographing conditions of the
camera, ...

The applicant is suggested to change this claim to clarify the meaning of the claim for
example the claim could read:

The photographing system according to Claim 1, wherein
the external apparatus operator is capable of *being configured* to set a
plurality of photographing conditions of the camera, ...

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-17 are rejected under 35 U.S.C. 101 because the claimed invention is
directed to non-statutory subject matter.

The described image pickup program in claims 14-15 and the described recording medium in which a computer-readable image pickup program is recorded in claims 16-17 do not qualify under a statutory category of patent eligible subject matter. For example, claim 14 is directed to an image pickup program, and fails to claim the program recorded on an appropriate computer readable medium so as to be structurally and functionally interrelated to the medium and permit the function of the claimed invention to be realized. The same rationale applies to claims 15-17.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-13,15,17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatanaka (US Patent No. 7,012,636), hereinafter, referred to as Hatanaka.

Regarding claim 1, Hatanaka discloses in *Figure 1*, an image pickup system comprising:

a camera (*Col 2, line 25*); and

an external apparatus, the camera and the external apparatus being connected to each other via a two-way communication line (*Col 2, lines 26-27*), wherein

the camera comprises:

a camera operator capable of setting at least a photographing condition (*Col 3, Lines 25-29*): and

a camera communicator configured to allow the camera to photograph based on one of a photographing condition set through the camera operator (*Col 3, Lines 29-30*) and a photographing condition received from the external apparatus and transmitting image data obtained by photographing to the external apparatus (*Col 4, Lines 22-27*), and

the external apparatus comprising:

an external apparatus operator capable of setting at least the photographing condition of the camera (*Hatanaka describes a software program that enables an external apparatus to control parameters of the camera in Col 3, Lines 7-12*);

a display means unit capable of displaying a set state of the photographing condition (*Col 3, Lines 12-14*);

an external apparatus communicator configured to transmit the photographing condition to the camera and receive image data from the camera (*Col 2, Lines 66-67 through Col 3, Lines 1-3*);

a selector configured to select between a first photographing mode in which the camera serves as a master to photograph (*activating shutter button on electronic camera switches control to the camera as disclosed in Col 7, Lines 16-18 and Col 3, Lines 25-30*) and a second photographing mode in which the external apparatus serves as the master and controls the camera to photograph (*Col 3, Lines 7-12*); and

a controller configured to set the second photographing mode just after a start of camera control through the external apparatus (*Col 3, Lines 7-12 disclose control of the camera via software of the external apparatus*), read photographing information set in the camera into the external apparatus (*Col 5, Lines 55-58 disclose that after the computer receives information that the camera has taken a photograph, the computer will then perform acquisition of the image data from the camera*), and set the first or second photographing mode in accordance with the selection by the selector (*as disclosed in references in the preceding paragraph*).

Regarding claim 2, Hatanaka discloses in *Col 5, Line 64 and Col 6, Lines 2-3* the photographing system according to Claim 1, wherein when a picture is taken in the first photographing mode, the camera communicator transmits obtained image data to the external apparatus each time a picture is taken.

Regarding claim 3, Hatanaka discloses the photographing system according to claim 1, wherein

the external apparatus operator is capable of (being) configured to set a plurality of the photographing conditions of the camera (*Fig. 6 and Fig. 7*), and when the controller sets the second photographing mode, each time one of said photographing conditions is set through the external apparatus operator, the controller allows the camera to: photograph based on the photographing conditions including the set photographing condition, (*Col 5, Lines 46-52*) : receive obtained image data, (*Col 5, Lines 55-58*): and control the display unit to display the image data (*Col 2, Lines 21-22*).

Regarding claim 4, Hatanaka discloses in Fig.1 an image pickup system comprising:

an external apparatus comprising an external apparatus operator configured to set a plurality of photographing conditions related to a camera (*Col 3, Lines 7-12*), and a display unit configured for displaying respective set states of the photographing conditions (*Col 3, Lines 12-14*); and

said camera having a camera operator capable of setting at least the photographing conditions, the camera being capable of photographing based on one of the photographing conditions set through the camera operator (*Col 3, Lines 25-30*) and the photographing condition received from the external apparatus and transmitting image data obtained by photographing to the external apparatus (*Col 4, Lines 22-27*), wherein

in photographing based on the photographing conditions set through the external apparatus operator, each time one photographing condition is set by the external apparatus operator, a picture is taken by the camera based on the photographing conditions including the set photographing condition, image data obtained is transmitted from the camera to the external apparatus (*Col 4, Lines 22-27*), and the image data is displayed through the display unit (*Col 3, Lines 12-14*).

Regarding claim 5, Hatanaka discloses in (*Col 2, Lines 25-28*) a camera constructed so as to be connected to an external apparatus through a two-way communication line, the camera comprising:

a camera operator capable of setting at least a photographing condition (*Col 3, Lines 25-29*);

a camera communicator configured to allow the camera to photograph based on one of a photographing condition set by the camera operator (*Col 3, Lines 25-30*) and a photographing condition received from the external apparatus and transmitting image data obtained by photographing to the external apparatus (*Col 4, Lines 22-27*), wherein

just after the start of camera control through the external apparatus, when a selection between a first photographing mode, in which the camera serves as a master to photograph (*Col 7, Lines 16-18 describes a button on the camera that gives control to the camera to control settings and photographing as described in Col 3, Lines 25-30*), and a second photographing mode, in which the external apparatus serves as a master and controls the camera to photograph, is performed under the control of the external

apparatus to set the second photographing mode (*Col 3, Lines 7-12*), photographing information set in the camera is transmitted to the external apparatus in response to a request sent from the external apparatus (*Col 5, Lines 55-58*), and a picture is taken in one of the first photographing mode and the second photographing mode under control of the external apparatus (the first photographing mode is selected by activating the shutter button as described in *Col 7, Lines 16-18*, the first photographing mode is described in *Col 3, Lines 25-30*, and the second photographing mode is described in *Col 3, Lines 7-12* and is selected by activating the software that controls the external apparatus).

Regarding claim 6, Hatanaka discloses the camera according to Claim 5, wherein in the first photographing mode, the camera communicator transmits obtained image data to the external apparatus each time a picture is taken (*the image data captured by the electronic camera is transferred to an external device as described in Col 5, Line 64 through Col 6, Line 3*).

Regarding claim 7, Hatanaka discloses in (*Col 3, Lines 7-12*) the camera according to Claim 5, wherein the camera is capable of receiving a plurality of photographing conditions from the external apparatus, and in the second photographing mode, each time one of said photographing conditions is received from the external apparatus, a picture is taken based on photographing conditions including the received photographing condition, and

obtained image data is transmitted to the external apparatus (*Col 4, Lines 22-27*).

Regarding claim 8, Hatanaka discloses in (*Col 2, Lines 25-28*) a camera constructed so as to be communicably connected to an external apparatus, the camera comprising:

a camera operator configured for setting at least a photographing condition (*Col 3, Lines 25-29*); and

a camera communicator configured for allowing the camera to photograph based on one of a photographing condition set through the camera operator (*Col 3, Lines 25-30*) and a photographing condition received from the external apparatus and transmitting image data obtained by photographing to the external apparatus (*Col 4, Lines 22-27*), wherein

in photographing based on the photographing condition received from the external apparatus, each time one photographing condition is received from the external apparatus, a picture is taken based on the received photographing condition, and image data obtained by photographing is transmitted to the external apparatus (*Col 4, Lines 22-27*).

Regarding claim 9, Hatanaka discloses in (*Col 2, Lines 25-28*), an external apparatus configured to be connected to a camera through a two-way communication line, the external apparatus comprising:

an external apparatus operator capable of setting at least a photographing condition of the camera (*Col 3, Lines 7-12*);

a display unit capable of displaying a set state of the photographing condition (*Col 3, Lines 12-14*);

an external apparatus communicator for transmitting the photographing condition and receiving image data from the camera (*Col 2, Lines 66-67 through Col 3, Lines 1-3*);

a selector for selecting between a first photographing mode in which the camera serves as a master to photograph (*the selection means of the first photographing mode in Hatanaka includes the activation of a shutter button on the camera to select the camera as a master as described in Col 3, Lines 25-30 and Col 7, Lines 16-18*) and a second photographing mode in which the external apparatus serves as a master and controls the camera to photograph (*the selection means in Hatanaka of the second photographing mode is by way of activating the software that controls the external apparatus Col 3, Lines 7-12*); and

a controller configured to: set the second photographing mode just after a start of camera control through the external apparatus (*Col 3, Lines 7-12 disclose control of the camera via software of the external apparatus*), read photographing information set in the camera, and set the first or second photographing mode in accordance with the selection by the selector (*as disclosed in references in the preceding paragraph*).

Regarding claim 10, Hatanaka discloses the external apparatus according to claim 9, wherein in the first photographing mode, the external apparatus communicator receives image data obtained by photographing from the camera each time a picture is taken (*The image data captured by the electronic camera is transferred to an external device as described in Col 5, Line 64 through Col 6, Line 3*).

Regarding claim 11, Hatanaka discloses in Fig 1 the external apparatus according to claim 9, wherein the external apparatus operator is configured for setting a plurality of photographing conditions of the camera, and

when the controller sets the second photographing mode, each time one photographing condition is set through the external apparatus, the controller enables the camera to photograph based on the photographing conditions including the set photographing condition (Col 5, Lines 45-51), receive image data obtained by photographing (Col 5, Lines 54-57), and control the display unit to display the image data (Col 2, Lines 21-22).

Regarding claim 12, Hatanaka discloses in (Col 2, Lines 33-38) the external apparatus according to claim 9, further comprising:

a storage device configured to store image data received through the external apparatus communicator.

Regarding claim 13, Hatanaka discloses in (*Col 3, Lines 7-12*) an external apparatus configured to be communicably connected to a camera, the apparatus comprising:

an external apparatus operator configured for setting a plurality of photographing conditions related to the camera; and

a display unit capable of displaying respective set states of the photographing conditions (*Col 3, Lines 12-14*), wherein

when a picture is taken through the camera based on the photographing conditions set through the external apparatus operator, each time one photographing condition is set by the external apparatus operator, a picture is taken by the camera on photographing conditions including the set photographing condition, image data obtained by photographing is received (*Col 4, Lines 22-27*), and the received image data is displayed by the display unit (*Col 3, Lines 12-14*).

Regarding claim 15, Hatanaka discloses in *Col 3, Lines 4-6 and in Fig 2*. *reference numeral 50* an image pickup program for enabling a computer to control a camera in order to photograph, the computer being communicably connected to the camera, the program comprising:

an external apparatus operation procedure for setting at least a plurality of photographing conditions related to the camera (*Reference numeral 54 in Fig.2*);

a display procedure for displaying respective set states of the photographing conditions (*Reference numeral 56 in Fig.2*); and

a procedure for receiving image data obtained by photographing through the camera in order to display the image data in the display procedure (*Col 3, Lines 7-10*), wherein

when a picture is taken through the camera based on the photographing conditions set in the external apparatus operation procedure, each time one photographing condition is set in the external apparatus operation procedure, the picture is taken to obtain the image data by the camera based on the photographing conditions including the set photographing condition (*Col 3, Lines 10-14*).

Regarding claim 17, Hatanaka discloses a program in *Col 3, Lines 4-6* that teaches a recording medium in which a computer-readable image pickup program is recorded, the image pickup program being used to allow a computer to control a camera in order to photograph, the computer being communicably connected to the camera, the image pickup program comprising:

an external apparatus operation procedure for setting at least a plurality of photographing conditions related to the camera (*Reference numeral 54 in Fig.2*);

a display procedure for displaying respective set states of the photographing conditions on a display (*Reference numeral 56 in Fig.2*); and

a procedure for receiving image data obtained by the camera to display the image data in the display procedure (*Col 3, Lines 7-10*), wherein

when a picture is taken by the camera based on the photographing conditions set in the external apparatus operation procedure, each time one photographing condition is set in the external apparatus operation procedure, a picture is taken to obtain the image data through the camera based on the photographing conditions including the set photographing condition (*Col 3, Lines 10-14*).

Regarding claim 18, Hatanaka discloses in *Col 9, Lines 37-39* an image pickup method for photographing using a camera and an external apparatus, the camera being connected to the external apparatus through a two-way communication line, the method comprising:

setting a second photographing mode in which the external apparatus serves as a master and controls the camera to photograph just after the start of camera control through the external apparatus (*Col 3, Lines 7-12*);

transmitting photographing information, set in the camera, from the camera to the external apparatus through the communication line (*Col 2, Lines 66-67 through Col 3 Lines 1-3*);

displaying at least a photographing condition received in the photographing information of the camera through a display of the external apparatus (*Fig 2. Reference numeral 56*);

setting the photographing condition of the camera through one of a camera operator of the camera (*Col 3, Lines 25-30*) and an external apparatus operator of the external apparatus (*Col 3, Lines 7-12*);

selectively setting a first photographing mode in which the camera serves as a master to photograph (*Hatanaka discloses a method in which the camera controls itself and this mode is activated by pressing the shutter button on the camera as described in Col 9 Lines 66-67 through Col 10 Lines 1-2*) and an external photographing mode (*Hatanaka discloses a method in which an external device controls the camera as described in Col 9 Lines 43-38*);

taking a picture in the selected photographing mode to obtain an image, based on the set photographing condition (*Hatanaka discloses a method in which the external device will control the camera unless the shutter button on the camera is activated to switch control to the camera as described in Col 9 Lines 37-43*);

transmitting the obtained image from the camera to the external apparatus (*Hatanaka discloses a method of processing image data including transmitting the obtained image to the external apparatus in Col 5 Lines 62-67 through Col 6 Lines 1-3*); and

displaying the image received by said external apparatus on the display (Col 3 Lines 12-14).

Regarding claim 19, Hatanaka discloses the image pickup method according to claim 18 as described above, further comprising:

transmitting a set photographing condition to the camera each time a photographing condition is set when the photographing condition is set by the external apparatus operator in the step of setting the photographing condition of the camera

through one of the camera operator of the camera and the external apparatus operator of the external apparatus;

photographing by the camera based on the transmitted photographing condition (*Hatanaka discloses a method in which the external device will control the camera including photographing, unless the shutter button on the camera is activated to switch control to the camera as described in Col 9 Lines 37-43*);

transmitting image data obtained by photographing from the camera to the external apparatus (*Hatanaka discloses a method of processing image data including transmitting the obtained image to the external apparatus in Col 5 Lines 62-67 through Col 6 Lines 1-3*); and

previewing the image data received by said external apparatus through a display unit (*Col 3 Lines 12-14*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 14,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka (US Patent No. 7,012,636).

Regarding claim 14, Hatanaka discloses in *Col 3, Lines 4-6 and in Fig 2. reference numeral 50*, an image pickup program for enabling a computer to control a camera in order to photograph, the computer being connected to the camera through a two-way communication line, the program comprising:

an external apparatus operation procedure for setting at least photographing condition of the camera (*Reference numeral 54 in Fig.2*) ;

a display procedure for displaying a set state of the photographing condition on a display; (*Reference numeral 56 in Fig.2*);

an external apparatus communication procedure for transmitting the photographing condition to the camera and receiving image data from the camera through the communication line (*Col 3, Lines 7-12*).

Hatanaka describes a program to select and activate the second photographing mode in which the external apparatus controls the camera in *Col 3, Lines 7-12*, but fails to teach that the program allows the user to select the first photographing mode in which the camera serves as a master to photograph. Hatanaka fails to teach specifically a selection procedure for selecting between a first photographing mode in which the camera serves as a master to photograph and a second photographing mode in which the computer serves as the master and controls the camera to photograph. However, Hatanaka teaches that the program is capable of detecting if the shutter button of the camera is activated and will switch control of the camera to the camera rather than the external apparatus if activated. Given the capability in Hatanaka where both the camera and the computer can potentially be the master of

the camera, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a user interface to the program to allow the user to select on the program whether the camera or computer serves as the master.

Hatanaka further teaches a control procedure for setting the second photographing mode just after the start of camera control through the computer, reading photographing information set in the camera, and, setting one of the first and second photographing modes in accordance with the selection in the selecting procedure (*Hatanaka describes a control step in the program where the program can detect operation of the shutter switch of the camera and will subsequently inhibit the program's control of the camera as described in Col 9, Lines 12-15 and Lines 30-35*).

Regarding claim 16, Hatanaka discloses a program in *Col 3, Lines 4-6* that teaches a recording medium in which a computer-readable image pickup program is recorded, the image pickup program being used to enable a computer to control a camera in order to photograph, the computer being connected to the camera through a two-way communication line, the program comprising:

- an external apparatus operation procedure for setting at least photographing condition of the camera (*Col 3, Lines 10-12*);
- a display procedure for displaying a set state of the photographing condition on a display (*Reference numeral 56 in Fig.2*);

an external apparatus communication procedure for transmitting the photographing conditions to the camera and receiving image data from the camera through the communication line (*Col 3, Lines 7-12*).

Hatanaka teaches the capability of both a camera and an external apparatus controlling a camera, but fails to specifically teach a selection procedure for selecting between a first photographing mode in which the camera serves as a master to photograph and a second photographing mode in which the computer serves as the master and controls the camera to photograph. Hatanaka describes a program to select and activate the second photographing mode in *Col 3, Lines 7-12*, but fails to teach that the program allows the user to select the first photographing mode. However, the program is capable of detecting if the shutter button of the camera is activated and will switch control of the camera to the camera rather than the external apparatus. Given the capability in Hatanaka where both the camera and the computer can potentially be the master of the camera, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a user interface to the program to allow the user to select on the program whether the camera or computer serves as the master.

Hatanaka further discloses a control procedure for setting the second photographing mode just after the start of camera control through the computer, reading photographing information set in the camera, and, setting one of the first and second photographing modes in accordance with the selection in the selection procedure. Hatanaka describes a control step in the program where the program can

detect operation of the shutter switch of the camera and will subsequently inhibit the program's control of the camera as described in Col 9, Lines 12-15 and Lines 30-35.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes: U.S Patent # 7012636, U.S Patent # 6835008, U.S Patent # 6819355, U.S Patent #7098943.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-272-3139. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo, can be reached on Monday-Friday from 8:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER